



08-20-03

3624

Docket No.: J2167.0230/P230
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexandra Keene

Application No.: 09/809,494

Filed: March 15, 2001

Art Unit: 3624

For: SYSTEM AND METHOD FOR CHECK
EXCEPTION ITEM NOTIFICATION

Examiner: Richard C. Weisberger

#18
8/24/03

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
AUG 21 2003
GROUP 3600

Dear Sir:

This correspondence would have been filed with the USPTO under 37 CFR 1.10 during the August 14-15, 2003 USPS service interruption, but was not filed due to said USPS service interruption. Accordingly, no extension of time is required with this election.

In response to the election requirement mailed July 15, 2003, Applicant hereby elects the species covered by Group I.

In the first full paragraph on page 2 of the Office Action, it is stated that the application contains claims 21-25 that are "drawn to an invention non-elected with traverse in paper no. 15. A complete reply to the final rejection must include cancellation of non-elected claims."

The above statements in the Office Action do not appear to be applicable to the present application. Applicant did not traverse the restriction requirement contained in the

previous Office Action and therefore assumed claims 21-25 would have been withdrawn from consideration. Furthermore, the present Office Action is not a final rejection and therefore Applicant does not believe the cancellation of these non-elected claims is warranted at this point in the prosecution of the present application. Should a final rejection be issued in the present application, Applicant shall take the appropriate action with respect to the non-elected claims.

If Applicant has misunderstood the meaning of the first full paragraph on page 2 of the Office Action, clarification thereof is respectfully requested.

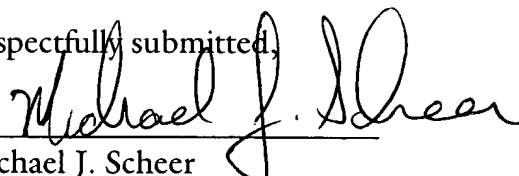
In the second paragraph on page 2 of the Office Action, Group I (claims 1-10), Group II (claims 11-19) and Group III (claim 20) have been identified as patentably distinct species. Applicant hereby elects Group I for prosecution.

In the third paragraph on page 2 of the Office Action, Applicant is advised that it must provide a listing of all the claims readable upon the elected species. As the original definition of the species defined by Group I was made by identifying the claims, Applicant believes the Office's identification of the claims in this species is complete. In accordance with MPEP 806.04(e), "claims are never species." Typically, a species restriction requirement is made with respect to reference to figures, or portions of the specification. As the Office's definition of this species requirement has been made in terms of claims, Applicant has no additional input as to which, if any, other claims should be included as part of this species.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than two species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: August 19, 2003

Respectfully submitted,
By 
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